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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,123	02/05/2002	Jeffrey L. Robbins	Mo6968/MD-00-130-PU	5763
157	7590	09/08/2004	EXAMINER	
BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205			GOFF II, JOHN L.	
			ART UNIT	PAPER NUMBER

1733

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/068,123

Applicant(s)

ROBBINS ET AL.

Examiner

John L. Goff

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-10 and 13-15.Claim(s) withdrawn from consideration: 11, 12 and 16-31.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Continuation of 5. does NOT place the application in condition for allowance because:

Regarding applicants arguments that the "rake" of Bogdany is not a doctor blade, it is noted these arguments were addressed in paragraph 10 of the Final Office Action mailed 6/28/04. Claims 1 and 2 requiring a patterned doctoring device and the "rake" taught by Bogdany is considered the same as both have the same structure.

Regarding applicants arguments that the presently claimed process accomplishes in one step (i.e. controlling thickness and forming a pattern) what requires two different steps in Bogdany, it is noted these arguments were addressed in paragraph 10 of the Final Office Action mailed 6/28/04. The claims are not commensurate in scope with this argument, as the claims merely require a doctoring device to form a pattern.

Regarding applicants arguments that Bogdany does not teach the optional embodiment of the present invention, it is noted these arguments were addressed in paragraph 10 of the Final Office Action mailed 6/28/04. The claims are not commensurate in scope with this argument, as the claims do not require two doctoring devices and two puddles of polyurethane.

Regarding applicants arguments that Bogdany does not teach inorganic non-Newtonian thickeners, it is noted these arguments were addressed in paragraph 10 of the Final Office Action mailed 6/28/04. Bogdany teaches the polyurethane mixture includes other materials such as clay, calcium carbonate, and silica, and these materials are consistent and in agreement with applicants disclosure of inorganic non-Newtonian thickener materials.

Regarding applicants arguments that it would not have been obvious to modify Holeschovsky et al. to incorporate a patterned doctor blade, it is noted these arguments were addressed in paragraph 10 of the Final Office Action mailed 6/28/04. It is well known and

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conventional in the art (as shown for example by any one of Stidham, Satiar, Davis et al., or Bogdany) to provide a coating (e.g. of polyurethane or latex) backed carpet with a pattern (from e.g. a patterned doctor blade) to give the carpet non-slip/skid properties, and Holeschovsky et al. are not limited to and do not teach away from any particular, i.e. patterned or non-patterned, coating such that it would have been obvious to modify Holeschovsky et al. in this manner for the above reasons. As to applicants arguments to the particulars of Stidham, Satiar, Davis et al., and Bogdany, these references are cited merely as examples of the conventional patterning technique, it being noted that while Satiar does not specifically disclose polyurethane backed carpets the reference is exemplary of the well known and conventional technique of providing a coating backed carpet with a pattern to give the carpet non-slip/skid properties.



John L. Goff



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